

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2013 APR 26 PM 2:13  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_

MICHAEL HAENDEL,

Plaintiff,

-vs-

Case No. A-13-CA-007-SS

M. DIGIANTONIO and THOMAS EATON,

Defendants.

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**ORDER**

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically Plaintiff Michael Haendel's Affidavit of Indigence [#31], which was filed contemporaneously with Haendel's Notice of Interlocutory Appeal [#30].

The Court construes the Affidavit as an application to proceed *in forma pauperis* on Haendel's second interlocutory appeal. As is still no justiciable issue for any interlocutory appeal in this record and, therefore, any attempted appeal would be wholly frivolous and without merit, filed in bad faith for the purposes of delay and harassment:

IT IS THEREFORE ORDERED that Haendel's application to proceed *in forma pauperis* on interlocutory appeal [#31] is DENIED.

SIGNED this the 26<sup>th</sup> day of April 2013.

  
\_\_\_\_\_  
SAM SPARKS  
UNITED STATES DISTRICT JUDGE